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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/018,716 | 03/28/2002 | Andrew R. Labarbera | 91830/0476600 | 1627 |
| 7590 | 08/10/2005 | | | EXAMINER |
| Frost Brown Todd 2200 PNC Center 201 East Fifth Street Cincinnati, OH 45202 | | | MARVICH, MARIA | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1633 | |

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|
|---------------------------------|-------------|---|---------------------|

EXAMINER

ART UNIT PAPER

805

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The application contains sequence disclosures that are encompassed by the definition for nucleotide and/or amino acid sequences set forth in 37 C.F.R. 1.821(a)(1) and (a)(2). Specifically, the computer readable format comprises an error as detailed in the accompanying error report. Therefore, the application fails to comply with the requirements of 37 C.F.R. 1.821(a)(1) and (a)(2) for the reasons set forth in the attached Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence Disclosures And/Or Amino Acid Sequence Disclosures.

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria B Marvich, PhD whose telephone number is (703) 605-1207. The examiner can normally be reached on M-F (6:30-3:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Remy Yucell, PhD can be reached on (703) 305-1998. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and (703) 305-4242 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to receptionist whose telephone number is (703) 308-0196.

Maria B Marvich, PhD
Examiner
Art Unit 1633


DANIEL M. SULLIVAN
PATENT EXAMINER

| | | |
|-------------------------|------------------------|------------------|
| Notice to Comply | Application No. | Applicant(s) |
| | 10/018716 | LaBarbera et al |
| | Examiner M. Marvich | Art Unit 1633 |

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other.

Applicant Must Provide:

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

STIC Biotechnology Systems Branch

RAW SEQUENCE LISTING
ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 10/018,716 A
Source: 1FW16
Date Processed by STIC: 3/4/05

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.
PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:
1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY
FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 4.2.2 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail. Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom. Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<http://www.uspto.gov/ebc/efs/downloads/documents.htm>), EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05): U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

Revised 01/24/05

Raw Sequence Listing Error Summary

| <u>ERROR DETECTED</u> | <u>SUGGESTED CORRECTION</u> | <u>SERIAL NUMBER: 10/018,716A</u> |
|---|--|-----------------------------------|
| ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE | | |
| 1 <input type="checkbox"/> Wrapped Nucleic Wrapped Aminos | The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3; this will prevent "wrapping." | |
| 2 <input type="checkbox"/> Invalid Line Length | The rules require that a line not exceed 72 characters in length. This includes white spaces. | |
| 3 <input type="checkbox"/> Misaligned Amino Numbering | The numbering under each 5 th amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead. | |
| 4 <input type="checkbox"/> Non-ASCII | The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text. | |
| 5 <input type="checkbox"/> Variable Length | Sequence(s) _____ contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>-<223> section that some may be missing. | |
| 6 <input type="checkbox"/> PatentIn 2.0 "bug" | A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequences(s) _____. Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences. | |
| 7 <input type="checkbox"/> Skipped Sequences (OLD RULES) | Sequence(s) _____ missing. If intentional, please insert the following lines for each skipped sequence: (2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown) (i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading) (xi) SEQUENCE DESCRIPTION:SEQ ID NO:X: (insert SEQ ID NO where "X" is shown) This sequence is intentionally skipped Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences. | |
| 8 <input type="checkbox"/> Skipped Sequences (NEW RULES) | Sequence(s) _____ missing. If intentional, please insert the following lines for each skipped sequence. <210> sequence id number <400> sequence id number 000 | |
| 9 <input type="checkbox"/> Use of n's or Xaa's (NEW RULES) | Use of n's and/or Xaa's have been detected in the Sequence Listing. Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xaa's are present. In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents. | |
| 10 <input type="checkbox"/> Invalid <213> Response | Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or scientific name (Genus/species). <220>-<223> section is required when <213> response is Unknown or is Artificial Sequence | |
| 11 <input type="checkbox"/> Use of <220> | Sequence(s) _____ missing the <220> "Feature" and associated numeric identifiers and responses. Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section. (e.g., <i>Homo Sapiens</i> , (See "Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules) Synthetic | |
| 12 <input type="checkbox"/> PatentIn 2.0 "bug" | Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk. | |
| 13 <input type="checkbox"/> Misuse of n/Xaa | "n" can only represent a single nucleotide; "Xaa" can only represent a single amino acid | |



IFW16

RAW SEQUENCE LISTING
PATENT APPLICATION: US/10/018,716A

DATE: 03/04/2005
TIME: 15:21:51

Input Set : D:\LaBarbara 0476600.txt
Output Set: N:\CRF4\03042005\J018716A.raw

4 <110> APPLICANT: Labarbera, Andrew
5 Wang, YiFang
6 Zhu, ChangHong
8 <120> TITLE OF INVENTION: ANTISENSE OLIGONUCLEOTIDES FOR FERTILITY
9 AND MENSTRUAL CYCLE REGULATION AND FOR CHEMOPREVENTIVE AND
10 CHEMOTHERAPEUTIC USE
12 <130> FILE REFERENCE: 91830/0476600
14 <140> CURRENT APPLICATION NUMBER: 10/018,716A
C--> 15 <141> CURRENT FILING DATE: 2002-03-28
17 <150> PRIOR APPLICATION NUMBER: 60/136,489
18 <151> PRIOR FILING DATE: 1999-05-28
20 <150> PRIOR APPLICATION NUMBER: 60/158,612
21 <151> PRIOR FILING DATE: 1999-10-08
23 <150> PRIOR APPLICATION NUMBER: US00/13488
24 <151> PRIOR FILING DATE: 2000-05-16
26 <160> NUMBER OF SEQ ID NOS: 4
28 <170> SOFTWARE: FastSEQ for Windows Version 4.0
30 <210> SEQ ID NO: 1
31 <211> LENGTH: 18
32 <212> TYPE: DNA
33 <213> ORGANISM: Nucleic Acid
35 <400> SEQUENCE: 1
36 gagcaggcccataattat 18
38 <210> SEQ ID NO: 2
39 <211> LENGTH: 18
40 <212> TYPE: RNA
41 <213> ORGANISM: Nucleic Acid
43 <400> SEQUENCE: 2
44 auaauuauggccugcuc 18
46 <210> SEQ ID NO: 3
47 <211> LENGTH: 18
48 <212> TYPE: DNA
49 <213> ORGANISM: Nucleic Acid
51 <400> SEQUENCE: 3
52 gagcaaggacatgattat 18
54 <210> SEQ ID NO: 4
55 <211> LENGTH: 18
56 <212> TYPE: RNA
57 <213> ORGANISM: Nucleic Acid
59 <400> SEQUENCE: 4
60 auaaugauccuugcuc 18

Does Not Comply
Corrected Diskette Needed

invalid response - see item 10 on Error Summary
sheet

VERIFICATION SUMMARY

PATENT APPLICATION: US/10/018,716A

DATE: 03/04/2005

TIME: 15:21:52

Input Set : D:\LaBarbara 0476600.txt

Output Set: N:\CRF4\03042005\J018716A.raw

L:15 M:271 C: Current Filing Date differs, Replaced Current Filing Date